

Information Summary and Recommendations

Somatic Education Sunrise Review

November 1996



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The Sunrise Review Process

Legislative Intent

It is the Legislature's intent to permit all qualified individuals to enter a health care profession. If there is an overwhelming need for the state to protect the public, then entry may be restricted. Where such a need to restrict entry and protect the public is identified, the regulation adopted should be set at the least restrictive level.

The Sunrise Act, RCW 18.120.010, states that a health care profession should be regulated only when:

- ☛ Unregulated practice can clearly harm or endanger the health, safety or welfare of the public and the potential for harm is easily recognizable and not remote or dependent upon tenuous argument;
- ☛ The public can reasonably benefit from an assurance of initial and continuing professional ability; and
- ☛ The public cannot be protected by other more cost effective means.

After evaluating the criteria, if the legislature finds that it is necessary to regulate a health profession not previously regulated by law, the regulation should be consistent with the public interest and the least restrictive method. There are five types of regulation to be considered:

1. *Stricter civil actions and criminal prosecutions.* To be used when existing common law, statutory civil actions, and criminal prohibitions are not sufficient to eradicate existing harm.
2. *Inspection requirements.* A process enabling an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business when a service is being performed for individuals involving a hazard to the public health, safety, or welfare.
3. *Registration.* A process by which the state maintains an official roster of names and addresses of the practitioners in a given profession. The roster contains the location, nature and operation of the health care activity practiced and, if required, a description of the service provided. A registrant ~~could be~~ is subject to the Uniform Disciplinary Act, Chapter 18.130 RCW.
4. *Certification.* A voluntary process by which the state grants recognition to an individual who has met certain qualifications. Non-certified persons may perform the same tasks, but may not use "certified" in the title. A certified person is subject to the Uniform Disciplinary Act, Chapter 18.130 RCW.
5. *Licensure.* A method of regulation by which the state grants permission to engage in a health care profession only to persons who meet predetermined qualifications. Licensure protects the scope of practice and the title. A licensee is subject to the Uniform Disciplinary Act, Chapter 18.130 RCW.

Overview of Proceedings

The Department of Health notified the applicant group, all professional associations, board and committee chairs, and staff of the Sunrise Review. Meetings and discussions were held and documents circulated to all interested parties.

Regulatory agencies in all other states were requested to provide sunrise reviews, regulatory standards, or other information which would be useful in evaluating the proposal. A literature review was conducted. Staff have reviewed all submitted information and asked for feedback from interested parties.

An initial public meeting was held on June 3, 1996, to identify the relevant issues and key players. A public hearing was conducted on August 28, 1996. The hearing panel included staff from the Department of Health and a public member. Interested persons were allowed to give presentations. There was an additional ten-day written comment period.

Following the public hearing and additional written comments, a recommendation was made based on all information received and in consultation with the public hearing panel. The proposed final draft was reviewed and approved by the Health Systems Quality Assurance Assistant Secretary and the Department Secretary. The final report was transmitted to the Legislature via the Office of Financial Management.

EXECUTIVE SUMMARY

In May, 1995, the House of Representatives forwarded HB 2095 to the department for sunrise review. In May 1996, an updated version of the bill was forwarded to the department. The proposed legislation would require somatic educators to be registered as counselors under RCW 18.19. (Due to limited resources within the department, this review, the last one received in 1995, was held over and became the first review in 1996.)

RCW 18.19 enacted in 1987 established certification of social workers, mental health counselors, and marriage and family therapists and registration for the remainder of counselors, with no specific reference to somatic educators. Massage Therapists are regulated under RCW 18.108. There has been some disagreement among the professions as to whether somatic educators should be subject to licensure under the Massage Practice Act.

The "applicant" consists of Aston-Patterning, Rosenwork, Ortho-bionomy, and Feldenkrais professionals. (Summary descriptions of these providers are presented as Appendix B). Somatic educators who work as Rolfers and Hellerworkers are not official applicants and are generally recognized as being subject to the Massage Practice Act. There are a few other groups, but there are few practitioners within the state.

Findings

1. Somatic practitioners view themselves as educators, and indeed many of their techniques are much more based in education than health care. While their goal is education of the body, its movement, etc., the goal is still to achieve a "therapeutic" result.
2. Somatic education can be described as a "complementary" approach to healthcare. Definitions vary, and each modality is different. But a basic definition is "somatic education addresses the person in relationship to movement, awareness, learning and the environment. Touch, verbal interaction, and movement are used to increase perception of existing and alternative postures and patterns of movement, and to improve functional abilities. This interactive approach may be used for education or therapeutic purposes."
3. Each of these modalities require rigorous training prior to being able to use the copyrighted logos and techniques. The protection of patents and copyrights can be an effective tool in restricting practice to only qualified individuals.
4. Some of the several "modalities" of somatic education involve hands-on techniques, similar in many ways to massage therapy, but often applied differently and performed in an overall context quite different than massage.
5. There are no documented cases of harm to a patient by a somatic practitioner properly authorized under the patented training programs. However, the

potential for harm exists in that the techniques seem to work best when there is a strong rapport between the practitioner and client. A practitioner could take advantage of that situation.

6. The main point of the legislative proposal being reviewed seems to be to clarify what is and what is not “massage” under the Massage Practice Act. The issue has been discussed by the Massage Board as early as 1990, has involved litigation, and several rule adoptions and withdrawals. In November, 1994, the board responded to attempts to define somatic practice by stating “there is no consensus on a definition for the term and the profession (massage) continues to struggle with it.”
7. There is some basis to believe a benefit to the public would occur from regulation in that the public would be made more aware of these providers and would then benefit from using their services.
8. Massage therapy can be viewed as the therapist and client in a non-equal relationship, where somatic practitioners view themselves in an equal partnership with the client. Somatic clients participate in the session, where massage clients normally do not participate but rather receive treatment. While different approaches, there is potential for harm in both kinds of relationships, as noted above.
9. Regulating somatic practitioners under the counseling statute would create enforcement problems within all counselor categories. A registered counselor can do anything within the definition of counseling. If “somatic” were added, then others could do somatic without necessarily being qualified.
10. While the degree of “pressure on soft tissue” and other components of massage varies greatly among somatic modalities, separating them out for regulation would be confusing and more administratively problematic.
11. Law enforcement often uses a state credential to determine if a person is involved in legal “external manipulation” of soft tissue. Therefore, law enforcement is concerned about how to determine if a practitioner is not involved in prostitution in the absence of those practitioners having a state credential.

Recommendations

Options Considered

The department considered several options in preparing this report to the legislature. They included:

- Registering as counselors under the official sunrise proposal,
- Regulate those somatic practitioners included in the sunrise application at level of certification under the counselor statute or their own statute,

- Regulate Aston-patterning and Rosenwork practitioners under the Massage Practice Act at the level of registration. Regulate the other sunrise applicants under the Counseling Act or their own statute at the level of registration,
- Changing the statutory definition of “massage” to specifically exclude somatic education,
- Licensing somatic practitioners; or
- Doing nothing to change the status quo.

Discussion:

Most of these options have serious “downside” implications. For example, registering somatic practitioners as counselors would mean that any registered counselor could perform somatic education (within the constraints of trademark protections). This would be true even though the definition of counseling seems a lot closer than that of massage therapy. Doing nothing perpetuates the legal and regulatory problems that exist. Licensing would help clarify roles but is not justified under the sunrise criteria of harm or benefit to the public warranting that level of regulation.

Recommendations:

1. Instead of the applicants’ proposal, regulate somatic practitioners at the level of certification under their own statute in Title 18 RCW.
2. The exemption in the Massage Practice Act should be modified to accommodate certified somatic practitioners.
3. The implementing statute should contain standard, “boilerplate” language for a profession regulated by the department, including rulemaking and fee setting authority for the Secretary, restricting use of the title “state certified somatic practitioner,” etc.
4. An advisory committee should be established to help implement the new program. Composition should include three somatic practitioners, one massage therapist, and one public member, appointed by the Secretary.

CURRENT REGULATION AND PRACTICE

RCW 18.19 enacted in 1987 established certification of social workers, mental health counselors, and marriage and family therapists and registration for the remainder of counselors, with no specific reference to somatic educators. (Currently, state employees are exempt from the registration requirement.)

Counseling is defined in RCW 18.19.020 as:

“...employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential.”

RCW. 18.19.010 states:

"The qualifications and practices of counselors in this state are virtually unknown to potential clients. Beyond the regulated practices of psychiatry and psychology, there are a considerable variety of disciplines, theories, and techniques employed by other counselors under a number of differing titles. The legislature recognizes the right of all counselors to practice their skills freely, consistent with the requirements of the public health and safety as well as the right of individuals to choose which counselors best suit their needs and purposes..."

RCW 18.108 provides for the licensing of massage therapists. Massage is defined as:

“Massage...mean[s] a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes massage techniques such as methods of effleurage, petrissage, tapotement, tapping, compressions, vibration, friction, nerve stokes, and Swedish gymnastics of movements either by manual means, as they relate to massage, with or without the aids of superficial heat, cold, water, lubricants, or salts.”

RCW 18.19.060 requires information disclosure to patients of registered or certified counselors:

“Persons registered or certified under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of

confidentiality provided by this chapter. The disclosure information provided by the counselor, the receipt of which shall be acknowledged in writing by the counselor and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the department may require by rule. The disclosure information shall also include a statement that registration of an individual under this chapter does not include a recognition of any practice standards, no necessarily imply the effectiveness of any treatment."

Proposal for Sunrise Review

In May, 1995, the House Health Care Committee chair Phil Dyer forwarded HB2095 to the department for sunrise review. In May, 1996, Representative Dyer sent to the department a revised version of the bill for sunrise review. (Due to limited resources within the department, this review, the last one received in 1995, was held over and became the first review in 1996.)

This version of the proposal calls for mandatory registration of somatic educators as counselors.

The proposal under review adds "and body work/soma education" to the statutory definition of counseling (see above).

INFORMATION SUMMARY

The review panel considered information received during the review process. This included video tapes on the Feldenkrais method, and a demonstration for the review panel by Feldenkrais, Orth-Bionomy and Aston-Patterning practitioners.

Additional information was solicited from interested parties and further information was provided to the department voluntarily. In this "Information Summary" section, some text is paraphrased (mostly from verbal testimony), and other text is quoted directly from documentation received and audio tape that was recorded at the public hearing. This section does not reflect the department's findings, which are found in a later section of this report. Complete documentation of these viewpoints is in the department's files and are disclosable to the public upon request.

Washington Association of Somatic Practitioners

The applicant states that while no harm to the public has occurred or is likely to occur, the public has been harmed by being denied access of somatic practitioners by the actions of the Board Of Massage Therapy and by confusion as to what does and does not constitute massage therapy. A simple registration bill provides protection under the Uniform Disciplinary Act (UDA) yet only requires the lowest level of direct regulation of practitioners.

Ortho-Bionomy practitioners

"Ortho-Bionomy is primarily a philosophy, secondarily a technique. It is an interactive approach to human learning which uses gentle touch and movement to bring about improved cognitive and physical abilities. This process addresses awareness, posture, and action by verbally and physically guiding the client in the discovery of existing and alternative postures and actions. The focus of Ortho-Bionomy is to educate the client of comprehensive balance, while encouraging their participation in their wellness and healthcare.

"Ortho-Bionomy is not massage as there is no intent to manipulate soft tissue, nor move fluids, in addition the client remains clothed. ...We feel that Ortho-Bionomy should not be placed under the category of Massage Licensing. The only harm that can come to the public is if the public is denied access to somatic educators. We feel it would be more beneficial to the public's awareness of Ortho-Bionomy and somatic educators if we were defined by who we are and what we offer rather than be lost under a regulatory classification (massage) of what we are not.

"The definition of massage [includes] 'effleurage, petrissage, tapotment, tapping...' etc., 'as they relate to massage...' These are not now, nor ever have been, techniques employed in Ortho-Bionomy."

Somatic Clients

Somatic practitioners have aided their clients by alleviating chronic pain, relieving stress, improving self-awareness and self-respect, etc. Most clients are referred to somatic practitioners by word-of-mouth from other clients, although some are referred by other health care providers, most notably massage therapists. Some comments:

"The strange and glorious thing is, I did not know what I did not have, but now that I've experienced new healthy physical feelings and sensations, I can't put a price on these wonderful results and I'm forever grateful. I can't tell you how many different therapies and types of body work I've tried over the last 50 years. This is the first time I can see that anything has made a significant difference. Access to this work is vital."

"I am a recipient of this kind of work and would recommend its positive aspects to you. I took an introductory class and was originally referred by friends."

"I was referred by a friend. I wish more people could find this way to promote healing."

"I have personally benefited from learning techniques and exercises which help me to relax and to relieve stress and even injury. My son, a 13 year old

gymnast has also benefited from Ortho-Bionomy when recovering from gymnastics related injuries

....His orthopedic doctor seemed surprised at the rate of recovery. [Somatic practitioners] should be given their due as health professionals, because indeed that is what they are."

"During one of the classes I mentioned to Phyllecia that I was having problems with my lower back. It would be very painful to sit for long periods of time; I would need to get up and walk around for a few minutes and then I could sit again. She did some of the Ortho-Bionomy techniques, which took less than 2 minutes. I have not had this problem since. I have been impressed with Ortho-Bionomy for many reasons, primarily because it is effective, non-invasive, and gentle."

"After a broken leg and two knee surgeries on the same leg I had developed a limp with abnormal knee pain. A Feldenkrais practitioner found out that my knee was not any longer the cause of my pain. Instead I had a very strong protective pain guarding pattern that was causing a chain reaction of abnormal joint mechanics. In my Feldenkrais therapy I became gradually aware that my pain was very much related to the way I moved. I have made significant improvement in controlling this pattern, changing my posture, my movements and gait, reducing tension and my pain."

David Bezotte

"I have been a personal friend and a sometimes client of one of [Ortho-Bionomy's] most prominent teacher and practitioner in Washington, Phyllecia Rommel. ...Whatever truth or validity there may be to the discipline, its practice poses little or no threat to the public health or welfare if it is practiced...by its registered and official adherents. It does not involve...the degree of physical manipulation found in either massage or chiropractic medicine. ...The public welfare and state's interest in this area should be that practitioners and teachers of disciplines such as Ortho-Bionomy adhere to general required business practices, do not advertise or promote themselves as anything but practitioners of what they are educated and certified to perform and, most importantly, do not actively attempt to practice...those techniques or disciplines that they are not certified in.

"The logic of these principles requires some state regulation. It does not, however, require the state to either demand education in areas not specifically germane to the affected discipline or require Ortho-Bionomists to become legally massage therapists...unless they choose to practice in that area as well.

Mental Health Care Providers Coalition (representing Marriage and Family Therapists, Mental Health Counselors, Clinical Social Workers, Social Workers, Advanced Practice Psychiatric Nurses, and Psychologists)

"The Counselor's Certification and Registration Act (RCW 18.19) should not be amended to specifically include somatic practitioners as counselors. Nothing in the existing statute prevents somatic practitioners from registering under the Counselors Act. However, we believe strongly that the addition of somatic practice to the Act with the description of somatic/body work could be detrimental to consumers. Placing somatic practitioners in the statute regulating counselors sends a mixed message to those who seek mental health counseling. First, it implies that a somatic practitioner has training and experience in psychological and behavioral study, and second, it implies that bodily touch is appropriate in a counseling relationship. It clouds the ethical standards subscribed to by mental health professionals and has the potential of confusing the public as to what is appropriate in a counselor-client relationship. Separation in statute of therapeutic massage and somatic practice from mental health professions is imperative."

Massage Therapists Association

They emphasized that they do not want to see anything that would undermine the current massage practice act. In particular, they are concerned about providing a cover to those involved in prostitution. Registration of somatic educators as counselors might do that. Some sort of regulation is needed, but not a straight exemption to the massage practice act. There is a need to define the profession for the benefit of the public.

Geof Gatlin, chair of the Board of Massage Therapy, in an individual capacity

"I would like to offer another option for your consideration. These concepts have the support of other individuals on the board and in the profession. The regulatory scheme that I would like considered is intended to address not only the issues related to Somatic Educators but also to recognize and alleviate a regulatory problem that has existed with this profession since the education requirement was added to the statute in 1988. This proposal will also allow this state to keep pace with national education trends as well as health care reform strategies.

"Amend the massage statute to allow three levels of professional regulation...Certified somatic education, registered massage technician, and licensed massage therapists."

(Note: full text of Mr. Gatlin's comments are in Appendix C).

Ed Olmstead, Movement Education

He noted that Movement Education is not massage. If there is not registration of somatic practitioners, then an exemption from massage would be preferable.

There is also a question as to whether or not this is "health care" because education is the goal and that is not "therapy."

Marie Kirk, Feldenkrais practitioner

She supports the proposal for registration. Certification is too confusing to the public, and there is not enough of a threat to justify that level of regulation. If the fee is going to be high then an exemption is preferable.

Jane McClenney, Feldenkrais Practitioner

She discussed her role and intention is to educate people about their own habitual movement patterns which may be causing them problems, and teaching them new options or possibilities for moving -- retraining or reeducating them.

Most of her clients are referrals, people who have heard of the Feldenkrais method, and the results it produces. As a professional, she has no problem with being regulated by the state; however, historically in Washington, Feldenkrais practitioners were first placed under the licensing label of massage practitioners which is erroneous, and currently they are licensed [sic] as counselors -- also not an accurate description. Feldenkrais practitioners should be exempted from the current massage law, in a separate category.

King County Department of Public Safety

"The concern we have is that RCW 18.108.101 states that "massage" and "massage therapy" "mean a health care service involving the external manipulation or pressure of the soft tissue for therapeutic purposes." This is the definition that we use to determine if a person needs to have a valid massage practitioners license with the State of Washington. If there is any manipulation of soft tissue we would require that person to have a valid license or they could put themselves in a position to be arrested for violating that RCW. We would need some type of certificate and a change in the RCW language to recognize any other form of practitioner."

Public Hearing

A public hearing was held at the Labor and Industries Building on August 21, 1996. Seventeen people testified. Several written comments augmenting presentations at the hearing were supplied during the written comment period.

FINDINGS

1. Somatic practitioners view themselves as educators, and indeed many of their techniques are much more based in education than health care. While their goal is education of the body and its movement, the goal is still to achieve a "therapeutic" result.
2. Somatic education can be described as a "complementary" approach to healthcare. The essence of the approach is to assist the client in identifying inappropriate "patterns" within their body, and then assisting the client in modifying those patterns. Definitions vary, and each modality is different. But a basic definition is "somatic education addresses the person in relationship to movement, awareness, learning and the environment. Touch, verbal interaction, and movement are used to increase perception of existing and alternative postures and patterns of movement, and to improve functional abilities. This interactive approach may be used for education or therapeutic purposes."
3. Each of these modalities require rigorous training prior to being able to use the copyrighted logos and techniques. The protection of patents and copyrights can be an effective tool in restricting practice to only qualified individuals.
4. Some of the several "modalities" of somatic education involve hands-on techniques, similar in many ways to massage therapy, but often applied differently and performed in an overall context quite different than massage. Some somatic publications describe, for example, Hellerwork® "is a method of deep myofascial release..." and Aston-Patterning® involves "palpation of soft tissue..." Other modalities involve only incidental touching; yet others are somewhere in between in terms of "manipulation of soft tissue."
5. There are no documented cases of harm to a patient by a somatic practitioner properly authorized under the patented training programs. However, the potential for harm exists in that the techniques seem to work best when there is a strong rapport between the practitioner and client. A practitioner could take advantage of that situation. For example, inappropriate sexual contact could occur on that kind of relationship.
6. The main point of the legislative proposal being reviewed seems to be to clarify what is and what is not "massage" under the Massage Practice Act. The issue has been discussed by the Massage Board as early as 1990, has involved litigation, and several rule adoptions and withdrawals. In November, 1994, the board responded to attempts to define somatic practice by stating "there is no consensus on a definition for the term and the profession (massage) continues to struggle with it."
7. There is a solid basis to believe a benefit to the public would occur from regulation in that the public would be made more aware of these providers and would then benefit from using their services.

8. Massage therapy can be viewed as the therapist and client in a non-equal relationship, where somatic practitioners view themselves in an equal partnership with the client. Somatic clients participate in the session, where massage clients normally do not participate but rather receive treatment. While different approaches, there is potential for harm in both kinds of relationships, as noted above.
9. Regulating somatic practitioners under the counseling statute would create enforcement problems within all counselor categories. A registered counselor can do anything within the definition of counseling. If "somatic" were added, then others could do somatic without necessarily being qualified.
10. While the degree of "pressure on soft tissue" and other components of massage varies greatly among somatic modalities, separating them out for regulation would be confusing and more administratively problematic.
11. Law enforcement often uses a state credential to determine if a person is involved in legal "external manipulation" of soft tissue. Therefore, law enforcement is concerned about how to determine if a practitioner is not involved in prostitution in the absence of those practitioners having a state credential.

Options Considered

The department considered several options in preparing this report to the legislature. They included:

- Registering as counselors under the official sunrise proposal,
- Regulate those somatic practitioners included in the sunrise application at level of certification under the counselor statute or their own statute,
- Regulate Aston-patterning and Rosenwork practitioners under the Massage Practice Act at the level of registration. Regulate the other sunrise applicants under the Counseling Act or their own statute at the level of registration,
- Changing the statutory definition of "massage" to specifically exclude somatic education,
- Licensing somatic practitioners; or
- Doing nothing to change the status quo.

Discussion:

Most of these options have serious "downside" implications. For example, registering somatic practitioners as counselors would mean that any registered counselor could perform somatic education (within the constraints of trademark protections). This would be true even though the definition of counseling seems a lot closer than that of massage therapy. Doing nothing perpetuates the legal and regulatory problems that exist. Licensing would help clarify roles but is not justified under the sunrise criteria of harm or benefit to the public warranting that level of regulation.

RECOMMENDATIONS

1. **Regulate at the level of voluntary certification under a separate statute.**

Wording could be as follows:

- A state certified somatic practitioner is an individual who has satisfactorily completed an education or training program in somatic education recognized by the department who obtains a certification from the department of health. Education and training may be approved whether or not modalities used may be identifiable by a service mark or trademark indicating that the school, program, or modalities are officially registered and use of their name is legally restricted to use by the owner.
- A somatic practitioner certified under this chapter uses various modalities that employ a whole systems approach to using touch, verbal dialogue, and motion for educational or therapeutic purposes. The practitioner works in an interactive manner to bring awareness to the client's posture, patterns of motion, or physiological sensation in order to develop better functional abilities within the client.
- A somatic practitioner certified under this act may only employ massage techniques as defined in RCW 18.108.010 to the extent that it is required under the modality they practice, as defined by the secretary through rule, and to the extent to which training, approved by the secretary through rule, has been provided.

Rationale:

- The level of potential harm is high enough to justify this intermediate level of regulation. It is very likely that all somatic practitioners, other than those who already are licensed as massage therapists, would voluntarily certify under this scheme, provided that the requirements for certification did not exceed those required for trademark use (which seem to be sufficient).
- It does not seem appropriate to regulate someone as a massage therapist simply because there is no other category to put them into. A little league coach who "massages" a baseball player's calf muscle due to stiffness before a game is no more a "massage therapist" than an Ortho-Bionomist. However, the definition of massage, strictly interpreted, would seem to require both of those persons to become licensed.
- Placing somatic practitioners under the counselor statute, as proposed by the applicants, creates enforcement problems and

does not help to protect the public due to the differences between somatic education and the counselor categories.

- Law enforcement's concerns over prostitution can be alleviated by having some sort of state regulation.
- The public can benefit from increased access to these providers.

2. The exemption in the Massage Practice Act should be modified to accommodate certified somatic practitioners.

The wording could be as follows:

RCW 18.108.050 is amended to read as follows:

This chapter does not apply to:

- (1) An individual....
- (2) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice.
Somatic practitioners certified under this act may only practice massage techniques, as defined in 18.108.010, to the extent that training, approved by the secretary through rule, has been approved and to the extent that it is in their scope of practice, as defined by the secretary through rule.

Rationale:

- There should be no need for those somatic practitioners who do not use the full range of massage techniques to obtain a massage therapist license. However, holding a state certificate in somatic practice should not allow that person to perform the full range of massage therapy. It should be possible to define somatic practice narrowly enough to avoid conflicts with massage therapy statutes but broad enough to allow somatic practitioners to work to the full range of their experience and education.
- Clarifying the exemption will avoid continuing conflicts and will help guide the department in its rulemaking to implement the statute.

3. The implementing statute should contain standard, "boilerplate" language for a profession regulated by the department, including rulemaking and fee setting authority for the Secretary, restricting use of the title "state certified somatic practitioner," etc.

Rationale:

- The department would need this authority to effectively and efficiently implement any new statute regulating a health profession.

4. **An advisory committee should be establish to help implement the new program.** Composition should include three somatic practitioners, one massage therapist, and one public member, appointed by the Secretary. The committee should be able to work for a period of at least four years to get the program going and to be sure it is on track.

Rationale:

- Operation of this new profession does not require a permanent regulatory board. The advisory group will help to recommend approval of training programs, define somatic practice in rule, and handle other matters as they arise.
- The addition of a massage therapist to the committee will help identify potential conflicts or unnecessary overlaps in regulation.

REBUTTAL STATEMENTS

An addition to this year's sunrise review process was a "rebuttal" period. During this time, participants could provide the department with a 300 word (maximum) statement for each recommendation with which they disagreed. Those statements are provided in this section.

Ed Olmstead, Feldenkrais teacher, LMT

"I cannot understand how the findings justify the recommendation for the following reasons: My clients are given better legal recourse under tort law than they are under the Uniform Act [sic], my work is not medical, I don't do therapy, I'm not the 'alternative' for anything medical that I know about and I can't imagine how regulation would make my services more available to the public. I've never heard of any Feldenkrais prostitute nor of any Feldenkrais Centers acting as a cover for prostitution.

"I am at a loss to see how any separate law can be proposed in view of the Sunrise Act.

"I am also concerned that the Department of Health find some effective way to better control and limit the expansion of the 'Massage Industry' in this state into areas that are far beyond their proper purview.

"Finally, the recommended advisory committee will not be able to come to a common set of terms for Somatic Educators no matter how long nor how hard they work. The various methods you have reviewed are VERY different -- there is as much difference between them as there is between any one of them and the practise [sic] of massage.

"What to do? Exempt Feldenkrais from the Massage Act by legislation. Exempt the others, too, if that's what they want, but stop the charade that we do 'therapy' and 'touch' therefore we must be regulated by the state.

"Bring the Massage Board under control so that they will abide by the laws and rules that govern them!"

PARTICIPANT LIST

Baker, Luci *citizen*
Berhan, Susan *citizen*
Bertrand, Ken *Group Health Cooperative*
Bezotte, David *citizen*
Bielinski, Lori *American Massage Therapy Association*
Boden, Janice *Department of Health, Massage Program*
Burgess, Karen *Department of Health, Counselors Program*
Busch, Linda *citizen*
Case, Sharon *lobbyist*
Cherrington, Wimsey *citizen*
Ellis, Steve *King County Vice*
Federici, Nick *Washington State Nurses Association*
Gibson, Cynthia *citizen*
Gilmore, Fred *Washington Hypnosis Association*
Grant, Linda *Association of Alcoholism/Addictions*
Groshong, Laura *lobbyist*
Iher, Kathy *citizen*
Kirk, Marie *citizen*
Lindstrom, Steve *Acupuncture Association of Washington*
McClenney, Jane *Feldenkrais Practitioner*
McGaffick, Gail *Washington State Psychological Association*
Menzies, Ellie *District 1199 NW SE16*
Minch, Michelle *citizen*
Nelson, Carl *Washington State Medical Association*
Pilkey, Bill *State Board of Health*
Powell, Katherine *citizen*
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